



MEMORANDUM

Agenda Item No. 7(R)3A

107.07-17A MIAMI-DADE/CSA-MAT. MGT.

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 21, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Change Order No. 1 and Final to
Contract No. S-668

The attached Change Order No. 1 and Final to the contract between Engineer Controls Systems, Corp., and Miami-Dade County has been prepared by the Miami-Dade Water and Sewer Department (Department) and is recommended for approval.

CHANGE ORDER NO.: 1 and Final

PROJECT: Central District Wastewater Treatment Plant Sludge Dewatering
Process and Building Improvements

PROJECT NO.: S-668

PROJECT LOCATION: This project is located at the Central District Wastewater Treatment
Plant on Virginia Key, Sect. 16, Twn. 54, Rge. 42, in the City of
Miami, Florida.

PROJECT DESCRIPTION: The project consists of demolition of slab and equipment pads;
construction of new trench/sump supported on 3-inch stainless steel pin
piles; replacing sludge pumps, grinders, hydraulic power unit and
associated piping and equipment; relocating (2) polymer
polyblend/mixing tanks units and installation of a new unit; replacing
(3) existing polymer transfer pumps with (2) new pumps; replacing (8)
polymer feed pumps and post dilution equipment; addition of one
polymer storage tank; installation of (2) water booster pumps;
replacement of existing motor control center (MCC) panel "F" with two
new MCC's "F1 and F2"; new equipment control panels; removal and
cap off of two existing floor drains; relocate roof drain piping; proved
new polymer feed, sludge and flushing water lines to centrifuges;
replacing other miscellaneous pipes as shown on the Plans; removal of
existing storage racks, storage fence and miscellaneous equipments as
shown on the Plans; and construction of a mezzanine to house air
conditioned office, lunch room and restrooms.

PRIME CONTRACTOR(S): Engineer Controls Systems Corporation

COMPANY PRINCIPAL(S): Frank Zayas, President

**CERTIFIED AS
COMMUNITY SMALL
BUSINESS ENTERPRISE
(CSBE) AT TIME OF
AWARD:**

No

COMPANY QUALIFIER: Frank Zayas

LOCATION OF COMPANY: Miami, Florida

YEARS IN BUSINESS: 20 Years

PREVIOUS CONTRACTS WITH COUNTY DURING THE LAST FIVE YEARS: 1 contract totaling \$3.1 million

CSBE MEASURE AT AWARD: 11%

CURRENT CSBE STATUS: In Compliance

ORIGINAL COST ESTIMATE: \$2,346,000.00

ORIGINAL CONTRACT AMOUNT: \$2,107,019.13 (See Attached Tabulation)

ALLOWANCE ACCOUNT FUND USAGE: Beginning Balance: \$191,547.19
Total Amount Used: (\$130,147.24)
Amount Remaining: \$ 61,399.95

CLASSIFICATION OF CHANGE ORDER:

- ☐ Regulatory Change
- ☐ Other Agency Request Change
- ☐ Design Errors Change
- ☐ Design Omission Change
- ☒ Unforeseen/Unforeseeable Change
- ☐ Other

PREVIOUS CHANGE ORDERS: None

CHANGE ORDER RECOMMENDATION: Increase of \$-0- and 150 day time extension

JUSTIFICATION FOR CHANGE ORDER: The Contractor claimed it was entitled to a time extension and money damages due to issues relating to project design. After negotiations between the Contractor and the Department, the Contractor has agreed to withdraw their claims for money damages in return for a non-compensable time extension. This non-compensable time extension will satisfy any and all claims the Contractor may have against the County arising out of this job.

ADJUSTED CONTRACT AMOUNT: \$2,107,019.13

PERCENTAGE OF INCREASE OR DECREASE PREVIOUS CHANGE ORDERS (FROM ORIGINAL CONTRACT AMOUNT): Not Applicable

**PERCENTAGE OF INCREASE OR
DECREASE THIS CHANGE ORDER
(FROM PREVIOUSLY ADJUSTED
CONTRACT AMOUNT):**

Not Applicable

**TOTAL PERCENT INCREASE
FROM ORIGINAL CONTRACT
AMOUNT:**

Increase of 0.0%

NOTICE TO PROCEED DATE:

April 16, 2002

CONTRACT TIME:

425 Days

**ORIGINAL CONTRACT
COMPLETION DATE:**

June 16, 2003

**TIME EXTENSION ON PREVIOUS
CHANGE ORDER(S):**

Not Applicable

**TIME EXTENSION (THIS CHANGE
ORDER):**

425 Days

ACTUAL COMPLETION DATE:

November 11, 2003

USING AGENCY:

Miami-Dade Water and Sewer Department

MANAGING AGENCY:

Miami-Dade Water and Sewer Department

FUNDING SOURCE:

Wastewater Revenue Bond - Series 1997

**APPROVED FOR LEGAL
SUFFICIENCY:**

Yes

DBD REVIEW:

Yes

**ALLOWANCE/CONTINGENCY
ORDINANCE NO. 00-65:**

Original Allowance Account \$ 191,547.19 equals to 10% of total Bid
Items


Assistant County Manager

MIAMI-DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CONTRACT NO. S-668

CHANGE ORDER NO. 1 and Final

DATE:

PROJECT TITLE: Central District Wastewater Treatment Plant Sludge Dewatering Process and Building Improvements

CONTRACTOR: Engineer Controls Systems Corporation

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

Scope of Work and Justification: See Attached

THIS CHANGE ORDER INCLUDES PAYMENT NOT ONLY OF ALL DIRECT AND INDIRECT COSTS OF THE CONTRACTOR SUCH AS LABOR, MATERIAL, JOB OVERHEAD, AND PROFIT MARKUP BUT ALSO INCLUDES AND IS NOT LIMITED TO ANY COSTS FOR MODIFICATIONS OR CHANGES IN SEQUENCE OF WORK, DELAYS, RESCHEDULING, INEFFICIENCIES, RIPPLE EFFECTS, DISRUPTION, EQUITABLE ADJUSTMENT, EXTENDED DIRECT OR GENERAL OVERHEAD, HOME OFFICE EXPENSE, ACCELERATION, EXTENDED JOB DURATION OR OTHER ESCALATIONS WHICH INCLUDES WAGES, AND OTHER IMPACT COSTS.

CONTRACTOR HEREBY WAIVES, FULLY RELEASES, DISCHARGES AND ACQUITS THE COUNTY OF ANY AND ALL LIABILITY FOR CLAIMS, ADDITIONAL COSTS, AND ANY REQUEST FOR ADDITIONAL TIME ARISING OUT OF THE FULFILLMENT OF THE CONTRACT AND CHANGE ORDER, FROM THE DATE OF CONTRACT AWARD TO, AND INCLUDING EXECUTION OF THIS CHANGE ORDER.

SUMMARY OF CONTRACT AMOUNT

ORIGINAL CONTRACT AMOUNT	\$2,107,019.13
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	\$ -0-
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	\$2,107,019.13
COST OF CONSTRUCTION CHANGES THIS ORDER	\$ -0-
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	\$2,107,019.13
PERCENT INCREASE, THIS CHANGE ORDER	0.0%
TOTAL PERCENT INCREASE TO DATE	0.0%

EXTENSION OF CONTRACT TIME ALLOWED BY THIS CHANGE -150- CALENDAR DAYS TO November 11, 2003.

CERTIFYING STATEMENT: I hereby certify that design changes have been reviewed and approved by me or WASD Engineering Staff under my direct supervision.

Julio Muniz 6/16/04
SIGNATURE OF DESIGN OR CONSULTING ENGINEER

(*Assistant Director of Engineering and Planning may sign for Engineer on Change Orders that do not involve design changes)

CERTIFYING STATEMENT: I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding.

RECOMMENDED: *Hubert* 6/16/04
CONSTRUCTION MANAGER

APPROVED: *[Signature]* 6/16/04
CHIEF, ENGINEERING DIVISION

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

Miami Dade Water and Sewer
DEPARTMENT

ER 46474 FD 35 BI 4380R
FUNDS BUDGETED CODE

Celia Drupe
CERTIFIED BY

ACCEPTED: *Fel Lopez*
CONTRACTOR PRESIDENT

Great American Insurance Company

Michael Bonet
SURETY Michael Bonet

Attorney-In-Fact & Florida Resident Agent

APPROVED: *[Signature]* 6/16/04
MANAGER, CONSTRUCTION SECTION

APPROVED: *[Signature]*
COUNTY ATTORNEY'S OFFICE

APPROVED: *[Signature]*
DEPT. of BUSINESS DEVELOPMENT

DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

APPROVED: *[Signature]* 6/16/04
ASST. DIR. ENGINEERING AND PLANNING

By: _____
COUNTY MANAGER

ATTEST:

By: _____
DEPUTY CLERK

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 580 WALNUT STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by
this power of attorney is not more than THREE

No. 017672

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below its true and lawful attorney-in-fact, for it and in its name, place and stead to execute in behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
MICHAEL A. HOLMES	ALL OF	ALL
GERALD J. ARCH	FT. LAUDERDALE, FLORIDA	UNLIMITED
MICHAEL BONET		

This Power of Attorney revokes all previous powers issued in behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 31ST day of JANUARY 2003
Attest
GREAT AMERICAN INSURANCE COMPANY

STATE OF OHIO, COUNTY OF HAMILTON - ss:

DOUGLAS R. BOWEN (513-369-3811)

On this 31ST day of JANUARY, 2003, before me personally appeared DOUGLAS R. BOWEN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is the Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated March 1, 1993.

RESOLVED: That the Division President, the several Division Vice Presidents and Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract or suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, RONALD C. HAYES, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of March 1, 1993 have not been revoked and are now in full force and effect.

Signed and sealed this 11th day of June 2004



S 1029T (11/01)

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